



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Utah State Office  
440 West 200 South, Suite 500  
Salt Lake City, UT 84101  
<http://www.blm.gov/ut/st/en.html>



IN REPLY REFER TO:  
3100/(UT-922000)

March 8, 2013

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### DECISION

Trout Unlimited : Protest to the Inclusion of Certain  
c/o Corey Fisher, Energy Field Coordinator : Parcels in the December 19, 2008  
401 B East Spruce Street : Competitive Oil and Gas Lease Sale  
Missoula, MT 59802

### Protest Dismissed

On November 4, 2008, the Bureau of Land Management (BLM) issued its Notice of Competitive Lease Sale (NCLS) providing notice to the public that 371 parcels of land would be offered in a competitive oil and gas lease sale scheduled for December 19, 2008. The NCLS also indicated that the protest period for the lease sale would end on December 4, 2008. Based on the recommendations from the BLM Utah Field Office Managers, 131 parcels were ultimately offered at the lease sale on December 19, 2008.

In a letter received by the BLM on December 4, 2008, Trout Unlimited protested the following 12 parcels listed in the NCLS:

UTU86823 (UT1108-035)	UTU86827 (UT1108-039)	UTU86831 (UT1108-047)
UTU86824 (UT1108-036)	UTU86828 (UT1108-040)	UTU86832 (UT1108-048)
UTU86825 (UT1108-037)	UTU86829 (UT1108-041)	UTU86833 (UT1108-049)
UTU86826 (UT1108-038)	UTU86830 (UT1108-042)	UTU86834 (UT1108-050)

By errata issued by the BLM on December 2 and 12, 2008, the 12 protested parcels were deferred for additional review or deleted from the NCLS. As such, the Trout Unlimited protest regarding the 12 parcels is dismissed as moot.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 C.F.R. Part 4 and instructions contained in Form 1842-1 (Enclosure 1). If an appeal is taken, the notice of appeal must be filed in this office (at the address shown on the enclosed Form) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay pursuant to 43 C.F.R. Part 4, Subpart B § 4.21, during the time that your appeal is being reviewed by the Board, the petition must show sufficient justification based on the standards listed below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall be evaluated based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

Copies of the notice of appeal, petition for stay, and statement of reasons also must be submitted to the Office of the Regional Solicitor, Intermountain Region, 125 South State Street, Suite 6201, Salt Lake City, Utah 84138, at the same time the original documents are filed in this office.

/s/ Juan Palma

Juan Palma  
State Director

Enclosure

1. Form 1842-1

cc: James Karkut, Office of the Solicitor, Intermountain Region,  
125 South State Street, Suite 6201, Salt Lake City, UT 84138

bcc: Lease Sale Book Dec08  
Reading File UT-920  
Central Files UT-950

UT922 pschuller:Trout Unlimited 1208 2-26-13

Enclosure 1  
Form 1842-1